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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Joint written statement on the situation of Economic, Social and Cultural Rights in the Republic of Korea submitted by Pax Romana, a non-governmental organization in special consultative status with the Economic and Social Council, and by Citizen Network for Cultural Reform, Council for Representatives of Health Care Organizations, Green Korea United, Joint Committee for Migrant Workers in Korea, Korea Confederation of Trade Unions, Korean Federation for Worker's Safety and Health, Korea Center for City and Environment Research, Korean People's Artists Federation, Korea Teachers' and Educational Workers' Union, Korea Women's Association United, Lawyers for a Democratic Society, National Association of Professors for a Democratic Society, People's Solidarity for Participatory Democracy, People's Solidarity for Social Progress, Research Institute for the Handicapped Rights in Korea, SARANGBANG Group for Human Rights, Struggle Network for Migrant Workers' Labor Rights and Freedom of Migration

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.

[20 February 2001]

GE.01-40846 (E)

I. INTRODUCTION

1. This document is prepared by 17 Korean NGOs, within the framework of the examination of the second periodic report of the Republic of Korea by the Committee on Economic, Social and Cultural Rights (hereinafter referred to as the Committee).

2. The aim of this document is not only to help the Committee to understand correctly to what extent the Korean people enjoy their economic, social and cultural rights, but also to bring the attention of the Committee to those issues which have not been dealt with in the report of the Government of the Republic of Korea.

II. GENERAL REMARKS

3. The Government's report makes reference to social and economic legislation and policies without giving an indication of the results of the legislation and policies. Moreover, the report makes very few references to the worsening situation after the 1997 economic crisis, which led to inequality in the realization of economic, social, and cultural rights.

4. In a statement made during its eighteenth session in May 1998, the Committee declared that the realms of trade, finance and investment are in no way exempt from human rights obligations and principles. Although international society may view the Republic of Korea as having effectively overcome the economic crisis and as already having entered a stable stage, the situation today is far from the realization of human rights principles. The Government has implemented restructuring policies based on market-oriented paradigms according to IMF and IBRD recommendations. It has abandoned labour rights protection measures and reduced its role in the public sector, such as in the areas of health and education. The distance between regular workers and irregular workers, between the affluent and the needy has widened with regard to income as well as to social participation.

5. The Government still lacks endeavour in domestic legislation, public relations and education to fully implement the Covenant. Moreover, it has not taken any measures consistent with the Committee's recommendation that some mechanisms need to be in place to ensure compatibility between domestic legislation and the provisions of the Covenant. Although the Korean Constitution stipulates that the judiciary can directly apply the provisions of the Covenant in domestic courts, rarely are there such cases. Domestic courts have never directly applied the Covenant. The Covenant is also hardly taken into consideration in the legislative and policy-making process at the national level.

III. SUMMARY OF QUESTIONS AND RECOMMENDATIONS

A. Non-discrimination (art. 2)

6. We hope that the Committee will question the Government on the procedure, standards and average time taken for refugee recognition and request the Government to improve related legislation, which can secure applicants' economic, social and cultural rights.

7. Although the Committee recommended in its previous observations that immediate attention be given to enhancing the access to secondary and higher education of the most vulnerable and disadvantaged groups, only a few disabled children are benefiting from free education.

B. Gender equality (art. 3)

8. Patriarchal ideology expressed as patrilinealism is still dominant through the "householder system". The system prohibits a divorced or remarried woman from registering her children in her registry, which results in discrimination in the family system. We hope the Committee will request the Government to take an official stance on abolishing the householder system, which is not compatible with the Covenant.

C. Right to work, working conditions (art. 6, art. 7)

9. The unemployment rate of 3.6 per cent as of June 2000 may seem stable, but the number of temporary workers skyrocketed to account for 53 per cent of total wage workers (July 2000; Source: the National Statistics Office). The increase in temporary workers, who not only suffer from underemployment and low wages but also are excluded from social security, has resulted in a widening of the income gap. We hope the Committee will urge the Government to take measures to stop senseless expansion of irregular jobs and stabilize employment.

10. The status of non-national workers is still insecure and their human rights are poorly protected. The existing trainee system for non-national workers does not cover non-national workers in poor working conditions with long hours and low wages who have the status of illegal immigrants. We would like to ask the Committee to recommend that the Government abolish the existing trainee system, legalize the status of non-national workers and introduce mechanisms to improve their working conditions.

11. The government report indicates that industrial accidents and occupational diseases have been gradually decreasing. However, the reality is that the Deregulation of Industrial Safety and Health Act has weakened industrial safety and health management and in turn the number of injured workers has increased.

D. Freedom to form and join trade unions and the right to strike (art. 8)

12. The right of civil servants and university professors to form trade unions and to take strike action is still totally denied. Although the Government made it legal for teachers to form trade unions, the effectiveness of collective bargaining is still limited and the right to participate in collective action is not guaranteed at all.

13. In spite of the Committee's expression of concern in its previous concluding observations, the Government is still restricting trade union strikes by prosecuting union leaders on charges of business interference or admitting action for damages by management. The Government often mobilizes the police force to crack down on strikes. We hope the Committee will recommend that the Government refrain from forceful intervention in labour disputes.

E. Right to social security (art. 9)

14. The Committee already recommended in its previous concluding observations that the social security system of the Republic of Korea should be swiftly expanded. But government expenditure on social security was a meagre 6.82 per cent of GDP. Irregular workers and workers in small business have been excluded from the benefits of social insurance.

15. The Government implemented the National Minimum Living Standards Security Act, starting in October 2000, to secure every person a minimum standard of living. But, as the qualifications are too stringent and unreasonable, a number of people who are in urgent need of government assistance are excluded. We hope the Committee will recommend that the Government relax requirements for public assistance.

F. Protection of the family, women and children (art. 10)

16. Since the economic crisis, many enterprises have executed "women first" lay-off policies, which have cost many female workers their jobs or converted them into irregular workers. We hope the Committee will question the Government whether it has concrete plans to improve poor working conditions of women, and enforce punitive and administrative measures against discriminatory practice.

G. Right to an adequate standard of living (art. 11)

17. The number of low-income families grew drastically after the economic crisis. (The Gini coefficient of the Republic of Korea increased from 0.283 in 1997 to 0.316 in 1998, and again to 0.320 in 1999. Source: the National Statistics Office.) We express our hope that the Committee will put the following questions to the Government: why is the number of low-income families on the rise? Why is the income gap growing wider? What are some of the fundamental solutions?

18. The Committee has already recommended in its previous concluding observations that no evictions should be carried out without offers of alternative housing being made. But countermeasures such as temporary accommodation or housing loans are directed only to house owners and just a section of tenants who meet arbitrary criteria. We hope the Committee will recommend that the Government extend countermeasures following eviction to every tenant, as well as to house owners.

H. Right to health (art. 12)

19. As the national health insurance system doe not fully cover medical costs, the average rate of self-financing of hospital and pharmacy expenses is very high. Measures to ensure the right to health of the vulnerable, such as Medical Aid, are also insufficient. In spite of this situation, the Government is trying to introduce private health insurance rather than improve the present public insurance. Health care is always put on the back-burner when the Government draws up its annual budget. We hope the Committee will recommend that the Government expand the number of public health care institutions and increase the health care budget, and consequently establish measures for the lower-income group and social minorities.

I. Right to education (art. 13)

20. The Government's responsibility in the public education domain has diminished, and the relative size of the budget for education has shrunk. On the other hand, the cost of private education is continuously increasing, which burdens the disadvantaged. We hope the Committee will recommend that the Government allocate more of the budget to education, thus bringing public education up to the established norms and providing a better environment for students and teachers.

J. Right to take part in cultural life

21. Disregarding the plea made by the Human Rights Committee in 1999, the Korean Supreme Court found the artist Mr. Shin, guilty, under the National Security Law, of benefiting the enemy by his painting "Rice planting". Freedom of artistic expression is severely restricted and distorted by the National Security Law, often resulting in the arrest of artists.

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13-31 August 2001

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the International Movement Against All Forms of Discrimination and Racism, a non-governmental organization in special consultative status with the Economic and Social Council

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.

[3 July 2001]

A. Discrimination against the Buraku people in Japan

1. Insufficient policies for the solidarity disadvantaged in the light of the situation of the Buraku (article 2 and other provisions)

1. For the political purpose of controlling people with "divide and rule" tactics, the feudal class system was established at the beginning of the seventeenth century, creating the class of humble people based on discrimination practised in the Middle Ages. No transfer between classes was allowed.

2. Those who were placed in the humble class were forced to engage in specific occupations, including the disposal of dead cattle, or work as security guards and executioners. They were not allowed to live where they wanted, being ordered to live in certain villages. Later, those villages were named "Buraku". The "Dowa people" referred to in the Government's report are those who are from Buraku communities.

3. Despite the fact that discrimination still has a serious negative impact on Buraku people, especially at a time of prolonged depression, the Government has become less willing in its approach towards the solution. The current "1969 Law on Special Measures for Dowa Projects" will expire by the end of March 2002. The Government has indicated its intention not to renew the law after its expiration.

4. As the Government of Japan needs to make a basic policy for the elimination of discrimination against Buraku people after March 2002 when the current "Law on Special Measures" expires, it is imperative to conduct a survey to discover the real conditions of Buraku communities.

5. The Committee on the Elimination of Racial Discrimination at its fifty-eighth session recommended that the Government of Japan provide further information in its next report on the impact of the "Law on Special Measures" and envisage strategies to eliminate discrimination against Burakumin after the law ceases to apply, i.e. in 2002.

2. Discrimination in employment against Buraku people and insufficient measures to ensure equal employment opportunities (articles 2 and 6)

6. Generally speaking, discrimination in employment tends not to come up to the surface. Yet, several cases of discrimination in employment come up every year. One of the most serious and extensive discriminatory practices so far disclosed is the "Buraku lists scandal" of 1975. In this scandal, more than 200 private companies, mainly leading companies in Japan, bought copies of the "Buraku list" to identify the locations of Buraku communities when recruiting.

7. In June 1998, the "Discriminatory background investigation scandal" was uncovered. About 1,400 companies registered membership with a business consultancy firm that investigated the personal affairs of individuals at the request of their clients. According to the findings, about 700 member companies asked the agency to check if their job applicants were Buraku people, Korean residents, members of religious organizations or union activists.

8. Taking this into account, the Government has to immediately ratify ILO Convention No. 111 and enact a related national law.

3. Discrimination against Buraku people in marriage, threatening the freedom of marriage (articles 2 and 10, para. 1)

9. Among many different discriminatory practices against Buraku people, the one at the time of engagement to be married is the most serious and deep-rooted. Today, it still happens that many young men and women are driven to killing themselves because of marriage discrimination. Even though they persuade themselves not to commit suicide, they suffer serious psychological damage.

10. For the elimination of such marriage discrimination that has such serious consequences, different approaches are required, including education and awareness-raising. Discrimination against Buraku is usually practised on the basis of family background. As only descent matters, nobody can tell who is a Buraku unless one's descent is identified through a discriminatory

investigation into one's residence, ancestors' birthplace, etc. Local governments should have ordinances prohibiting investigative agencies or detective agencies from conducting investigation that leads to discrimination against Buraku, while the national Government should enact such a law.

4. Discrepancies between Buraku people and others in the field of education, affecting the right to education (articles 2 and 13)

11. It is clear that a gap still exists between Buraku children and non-Buraku children in educational standards. At the secondary school level, there is a gap of several points between Buraku students and non-Buraku students. It should be noted that many Buraku students quit school before graduation. As a result, the gap between the two at the time of graduation is about 10 points. In addition, when it comes to higher education, the enrolment rate of Buraku children is about 60 per cent of the national average.

12. At the time of expiration of the current "Law on Special Measures", the special scholarship programme will be scrapped. It is much feared that the educational standards of Buraku people may deteriorate.

13. In addition, the percentage of non-enrolment in or non-attendance at school among Buraku people, especially among the elderly, is high, resulting in the prevalent illiteracy. For this reason, each Buraku community organizes a literacy class for these people. While it is necessary to maintain the literacy classes, it is also necessary to take adequate steps to meet the advanced information technology.

B. Discrimination against Koreans and other permanent residents in Japan

1. Lack of consideration for the special historical status of Koreans and other permanent residents in Japan (article 2 and other provisions)

14. Nearly half of the registered foreigners in Japan are now Korean permanent residents, as a result of Japan's historical colonization of Korea and the forced evacuation of the Korean people. Social discrimination against those Korean permanent residents is firmly entrenched. The Government treats all categories of foreigners in the same way, without recognition of the special status of Koreans and other permanent residents deriving from the historical background and their permanent residency, as is clear from the descriptions of the State party's report on the status and rights of foreigners.

15. Regarding Koreans and other permanent residents in Japan, CERD, at its fifty-eighth session, recommended that Japan take more resolute measures to prevent and counter violent actions against Koreans, mainly children and students; undertake appropriate measures to eliminate discriminatory treatment of minorities, including Koreans, in this regard and to ensure access to education in minority languages in public Japanese schools; and, considering that the name of an individual is a fundamental aspect of the cultural and ethnic identity, take the necessary measures to abolish the administrative or legal requirement that Koreans applying for Japanese nationality change their name to a Japanese name.

2. Lack of remedies for certain Koreans and other permanent residents in the National Pension Scheme (articles 2 and 9)

16. The requirement for Japanese nationality in the National Pension Scheme was abolished in 1982 and foreigners have benefited from the Scheme since then. However, since it is a social insurance system and the beneficiaries are required to have contributed for 25 years or more, the number of Korean elders (born before 1 April 1926) who cannot receive pensions amounts to approximately 56,500 (the number of registered foreigners who were 70 years of age or older, according to the Ministry of Justice, in 1997); the number of Koreans with disabilities (who were 20 years of age or older in 1982) who are in the same situation is estimated to be 3,000. The statement in the State party's report that "[i]n accordance with the principle of equality between foreigners and Japanese nationals, the Government makes efforts to provides foreigners, regardless of nationality, ... with the same social services as those for Japanese nationals" (para. 6) is not accurate.

3. Non-application of war-related assistance laws to Koreans and other foreigners who had worked for the Japanese Armed Forces because of requirements for Japanese nationality (articles 2 and 9)

17. Since 14 war-related assistance laws, including the Law Concerning Assistance to War Casualties and Their Bereaved Families, in force in Japan have requirements for Japanese nationality, they are not applied to veterans from Korea and Taiwan, former colonies of Japan. In its views expressed in Gueye and Others v. France (Comm. No. 196/1985), the Human Rights Committee decided that differential treatment based on one's citizenship at the time a pension is to be paid constitutes discrimination prohibited by article 26 of the International Covenant on Civil and Political Rights. A measure has been taken since then, however, which is not absolutely inequitable.

4. Korean permanent residents who cannot be employed by local governments on the basis of their nationality (articles 2 and 6)

18. The Government takes a negative stance against the employment of foreigners by local Governments, arguing that it is a "logical legal consequence", an unclear concept that is not explicitly set out in the legislation. As a result, foreigners cannot be employed as civil servants in many local municipalities, even as non-career secretarial and office workers. Paragraph 8 of the State party's report explains this issue as if there are ways for foreigners to be employed as civil servants, which is not the case in reality.

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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by Shimin Gaikou Centre (SGC; Citizens' Diplomatic Centre for the Rights of Indigenous Peoples, Japan), a non-governmental organization in special consultative status with the Economic and Social Council

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.

[3 July 2001]

GE.01-43219 (E) 030801

NGO report on Okinawa

Background

1. The Ryukyu Kingdom was an independent nation until 1879, when it was forcibly annexed and renamed Okinawa by the Government of Japan in contravention of article 51 of the Vienna Convention on the Law of Treaties. Since the annexation, the people of Okinawa, as an indigenous people, were subjected to colonial policies and forced assimilation. They faced various forms of discrimination and violations of human rights, including their economic, social and cultural rights as set out in the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Amami people, whose territory was already annexed by Japan in the seventeenth century, are among the Okinawan people.

2. Discrimination against the Okinawan people is apparent in two main manifestations, the first being the abnormal and illegal concentration of United States military bases in Okinawa, leading to multiple violations of the Okinawan people's rights. During wartime and under the subsequent military occupation, large tracts of Okinawan lands were expropriated by the Government of the United States, in contravention of the well-known 1907 Hague Warfare Regulations. Although these lands were illegally used to construct United States military bases and facilities, the Government of Japan did not oppose the unjust expropriation of the land and the violation of the right of the Okinawan people to be in command of their own development. Even after the territorial reversion of Okinawa to Japan in 1972, the Government of Japan has served the special interest of United States military forces in accordance with the Status of United States Forces Agreement. Consequently, although Okinawa accounts for only 0.6 per cent of the total land area of Japan, fully 75 per cent of all the United States military facilities in Japan are concentrated in this tiny area. The abnormally high concentration of military facilities on Okinawa especially threatens the human rights of women and children, who continue to suffer discrimination.

3. The second manifestation of discrimination towards Okinawans is the continued assimilation policies of the Government of Japan, carried out since the annexation. Popular movements of the Okinawans to re-evaluate their own history, culture, and languages and to restore their rights have been suppressed in a variety of ways. One of the most symbolic of these is reflected in the first report that the Government of Japan submitted to the Committee on the Elimination of Racial Discrimination (CERD) in 1999. In its report, the Government made no reference whatsoever to the ethnic discrimination in Okinawa.

4. Taken together, these forms of discrimination lead to violations of the rights of the Okinawans provided by the ICESCR, which are listed below.

Article 6

Restrictions on freedom of work and occupation

5. The abnormal concentration of United States military bases on Okinawa seriously impedes locally initiated community development. For example, United States bases

occupy 80 per cent of the town area of Kadena and many residents there cannot help but seek jobs on the base for their livelihood. As a result, their freedom in relation to work and occupation is unjustly limited.

Denial of the right to development due to unlimited expansion of military facilities

6. In 1995, the Governments of Japan and the United States jointly established the Special Action Committee on Okinawa (SACO) and in 1996 the two Governments published the SACO Final Report that promised a decrease in military facilities and listed 11 military zones to be returned to the Okinawans. However, the construction of an enormous new military base is planned at Nago, on Okinawa Island, and there is a plan to use Shimoji and Hateruma airports on the Sakishima Islands as military facilities in the near future. This unlimited expansion of military facilities has destroyed the normal economy of the Okinawans and has denied their right to development.

Article 10

Discrimination regarding the rights of women and children

7. In some cases, when Okinawan mothers married to United States servicemen claim alimony and child support, their claims are not fully covered. When United States military personnel suddenly return to the United States and abandon their families in Okinawa, the right of the spouse to sue for financial assistance is not guaranteed. This is not the case under the Status Agreement signed between the Governments of Germany and the United States. This means that mothers and children suffer serious violations of their rights to livelihood. The Government of Japan has not properly addressed this problem.

Violations of the rights of women and children

8. The unbearable jet noise around the military airfields has caused hearing difficulties among the Okinawan people, especially schoolchildren, who live nearby. This incessant noise has also made pregnant women give birth to low-weight babies.

9. United States servicemen have been involved in numerous criminal and civil cases of rape, injury, assault and murder where the victims have been Okinawan women and girls. However, because United States servicemen are protected under the Status of United States Forces Agreement, most of the cases are not reported.

Article 12

Discriminatory policies affecting health rights

10. Whenever military aircraft land or take off, they fly over residential districts in Okinawa, causing jet noise pollution. This has been a major social and health problem for Okinawans. Before the SACO Final Report was published, no measures had been taken to reduce noise levels. The SACO agreement did lead to the construction of a "sound-proof wall" along the north side of the Kadena air base for the declared purpose of protecting the human rights of the

citizens. However, the fact that the level of noise arising from "touch-and-go" exercises by planes of aircraft carriers has reached even higher levels than ever recorded before indicates that there has been no effective insurance against the violation of civil health rights.

Denial of the right to live within a healthy environment

11. Problems of environmental pollution have emerged on tracts of land returned to Okinawans. One specific case is Onna Communications Facility, which was returned in 1996 after being under United States military control. Chemical substances that are very harmful to humans, such as PCBs, were discovered in the soil where the facility's internal water purification plant was located. The Government of Japan has not demanded that the United States military forces take responsibility for protecting the natural environment within the area; nor has it insisted that the United States authorities conduct environmental pollution surveys or present environmental assessment reports when facilities are returned to Okinawan ownership. Nor has the Government arranged for such surveys to be carried out by an independent third-party institution.

12. Across Okinawa, there is a steady spread of environmental pollution. Examples include the destruction of forest resources by shooting and bombing practice using live ammunition, water pollution caused by the erosion of the red clay soils that cover the mountains in the north of Okinawa Island, and radioactive pollution from depleted uranium shells.

13. The United States military bases are adjacent to densely populated areas and thus they continue to impose a daily psychological stress on the lives of the civilians. This applies especially to those who live next to ammunition dumps, where there is always a risk of explosions, as well as airfields, where there have been numerous aircraft crashes. Proximity to landing practice grounds also causes tremendous stress because there are accidents involving heavy vehicles which are mistakenly dropped by parachute. Finally, in the crowded skies over Okinawa, there are constant near-misses between military and civil aircrafts.

Article 13

14. The custom of punishing students for using the Ryukyuan (Okinawan) languages by making them wear what was called a "dialect tag" continued well after the end of the Second World War, especially in primary schools. The pre-war assimilationist policy that sought to eradicate Ryukyuan languages had clearly survived. Even today, using Ryukyuan languages in the classroom is discouraged. Nowadays the Government of Japan claims that its objective is to attain a multicultural society, yet it does not recognize the right to use and learn any Ryukyuan language within the public educational system.

15. The right of the Okinawan people to draw up an official curriculum, within existing educational institutions, that would educate students in their own history and culture of the Ryukyus is not guaranteed.

16. There is no programme to train teachers to teach their own history and culture of the Ryukyus.

17. The right of Okinawans to make their own textbooks and educational materials to teach their own history, languages and culture of the Ryukyus is not guaranteed.

Article 15

18. There has been no apology or compensation whatsoever from the Government of Japan for issuing assimilationist military orders during the Second World War to treat people who spoke the Ryukyuan languages as spies. Nor has there been redress for the abuse and violence inflicted under such orders. The Government of Japan has not apologized to or compensated the victims and their families.

19. The Ryukyuan languages are not recognized as the languages of the Okinawan people, but are defined as "dialects" as part of the assimilationist policy. The Ryukyuan languages are not recognized for use as an official language in the law courts or other public institutions.

20. The Ministry of Education and Science has taken no responsible action against the racist ban on performances of the traditional Ryukyuan eisaa (a traditional Okinawan dance) by supporters of Okinawan teams at the national high-school baseball tournament held twice a year at Koshien stadium.

21. We would like to thank the Association of Indigenous Peoples in the Ryukyus (AIPR) and the Okinawa Citizens' Information Center (OCIC) for their cooperation in the preparation of the present statement.

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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Joint written statement on the situation of economic, social and cultural rights in Japan submitted by the International Association of Democratic Lawyers, a non-governmental organization in special consultative status with the Economic and Social Council and the Japanese Workers' Committee for Human Rights

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.

[4 July 2001]

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I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

A. Illegal acts by the State

Discrimination against government workers on the grounds of trade union affiliation

1. Twenty-seven years have already passed since 430 customs workers filed a lawsuit. During this long period, 24 plaintiffs have died and roughly 200 have been obliged to leave the workplace because of reaching retirement age, without having any remedy. In January 2001, the Tokyo High Court issued the judgement which recognized unfair labour practices on the management side. The plaintiffs have still not received remedy because of the final appeal made by the authorities.

Discriminatory treatment on the ground of type of employment in national hospitals and sanatoria

2. In national hospitals and sanatoria, many non-regular employees are hired and are performing the same work as regular employees, with the same qualifications as well. These employees are discriminated against with regard to their wages and various other working conditions, and have no collective bargaining rights.

Discriminatory non-employment at the time of the privatization of JNR

3. In 1987, the JNR was divided and privatized. It was succeeded by the new JR companies but 7,600 workers were not re-employed because of discrimination. One thousand and forty-seven workers have long been fighting for remedy.

The right of firefighters to organize

4. In 1979, at the time of ratification of the Covenant, the Government declared that it interpreted the Covenant to include fire service workers as members of the police. The fire service of Japan had been separated from the police and started as a community service in 1948 with the enactment of the Fire Service Organization Law. The Government has been violating the Covenant for 36 years with the help of the sophistry that firefighters are members of the police.

Reasonable limitation of the long working hours of government employees

5. The main district of Japanese government offices in Tokyo-Kasumigaseki is called "sleepless headquarters". According to an inquiry made by the trade unions, average overtime work is 48 hours and 13 per cent replied that they worked 100 hours overtime every month.

Human rights violations against sufferers of occupational fatigue illness

6. The Government reports that the administration gives "warm protection" to sufferers of occupational diseases, but the actual situation is that authorization to victimized workers is normally given after a long period of examination and workers must submit a considerable number of papers. And even after having the authorization the contents of the benefits are limited by a ministry circular.

B. A judicial system which is unable to protect human rights

The workers' rights protection system in danger

7. The courts have recently issued one decision after another reversing remedy orders favourable to workers delivered by labour relations commissions, stating that "employers are essentially free to dismiss workers".

Discrimination against trade union activists at the People's Life Finance Corporation

8. A case was brought to the Tokyo Metropolitan Labour Relations Commission in September 1986 and a complete remedy order was delivered in May 1995 and confirmed in February 2000 by decision of the Tokyo District Court. The judgement, which recognized the existence of unfair labour practices on the management side and pay differences with average workers, provided remedy only to three plaintiffs and rejected the claims of 19 others. The only reason the judgement gave was that the authorities had correctly evaluated the performance of the workers in question.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts 1-5)

Towards the realization of gender equality (art. 3)

"Arbitration system" after the amendment of the Equal Employment Opportunity Law

9. The cabin attendants (female) of Japan Airlines who applied for arbitration based on the revised law found that the "improved" system did not serve so well as the Government boasted.

Fighting discrimination against married women

10. At Sumitomo Life Insurance, one of the leading insurance companies, the management did not want women to continue working after they married and harassed married female office workers. Workers applied to the administration to intervene but could get no improvement and they filed a lawsuit in December 1995. They are still waiting for the court decision.

Gender discrimination in a bank

11. Thirteen female employees of a bank filed a lawsuit in June 1987 and won a landmark High Court ruling in November 1996. The management appealed the final judgement, stating that gender gaps were normal at the time of recruitment and should not be judged illegal. The case is now being examined in the Supreme Court.

Discrimination against female students in recruitment

12. Discrimination is still persistent even after the enactment of the revised Equal Employment Opportunity Law, with such practices as "men only" in a company which shows itself as if it does not discriminate against women and sexual harassment at interviews in order to deter women.

Gender equality at work

13. A female worker at a small construction company formed a trade union and became an officer. The management transferred her for one year to a room without windows, harassed her and finally dismissed her. She is now fighting to be reinstated in her job.

III. ISSUES RELATING TO SPECIAL RIGHTS RECOGNIZED IN THE COVENANT (arts. 6-15)

Discrimination against older persons in banks (arts. 6, 7, 9)

14. In almost all the banks in Japan, salaries of workers over the age of 55 are systematically reduced by almost half and workers are deprived of promotion opportunities. In a lawsuit raised by an employee of the Daishi Bank, the Supreme Court recognized disadvantages experienced by the workers but did not remedy the plaintiff. A recommendation from the Committee based on its General Comment No. 3 would be appreciated.

Safe and healthy working conditions (art. 7)

15. For the realization of safety and healthy working conditions without deaths and suicides due to overwork, the Japan Center for Health and Safety of Working People demands that the Government promote strict observation of the 8-hour workday and the ban on unpaid overtime work.

16. Tunnel workers' pneumoconiosis. Japan still produces victimized workers with pneumoconiosis while a great number of workers continue working exposed to a quantity of dust. The Government of Japan should immediately draw up a plan for the eradication of pneumoconiosis, in accordance with ILO/WHO appeals.

Trade union rights (art. 8)

Union crushing and human rights violations in private schools

17. The population of the adolescent generation, having reached its peak in 1989, is now expected to decrease to as low as 1.39 million by 2004. Faced with growing risks of having fewer students, private school owners are trying to impose poor working conditions. Human rights violations are rampant in private schools.

Neglect of rights of labour union by the world's largest food manufacturer

18. The management of Nestlé failed to hold control of the labour union and formed a new cooperative union dividing the organization of the old union.

The great Hanshin-Awaji earthquake and the right to housing (art. 11)

19. The Government of Japan refuses to provide financial aid to victims of the earthquake for the rehousing, saying that houses are private.